

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARTIN J. WALSH,)	
SECRETARY OF LABOR)	
U.S. DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	
v.)	NO. 4:22-CV-03246
)	
PACKERS SANITATION SERVICES,)	
INC., LTD.,)	
)	
Defendant.)	

**DEFENDANT’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO THE
U.S. DEPARTMENT OF LABOR**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Courts for the District of Nebraska, Defendant Packers Sanitation Services, Inc., LTD. (“PSSI” or “Defendant”), requests that the Secretary of Labor (“Plaintiff”) produce the following described documents at the offices of Defendant’s counsel, J. Randall Coffey, FISHER & PHILLIPS LLP, 4622 Pennsylvania Avenue, Suite 910, Kansas City, Missouri 64112, thirty (30) days from the date of these requests, or at such other place and date as the parties agree.

DEFINITIONS AND INSTRUCTIONS

The following requests are to be read, interpreted, and answered with reference to the following definitions and instructions:

A. “Act,” “occurrence,” and/or “omission” mean any fact, incident, event, action, communication, or statement.

B. “Communication(s)” refers to any manner or means of a disclosure, transfer or exchange of information, whether by recorded means, document, electronic mail, telephone, facsimile, voicemail, text messaging, instant messaging, regular mail, personal delivery or otherwise.

C. “Document” or “documents” include, without limitation, any kind of documents or electronically stored information such as writings, drawings, graphs, charts, photographs, sound recordings, images, e-mails and other data or data compilations stored in any medium from which information can be obtained which is or are in the possession, custody, or control of Plaintiff or any agent or representative of Plaintiff to which Plaintiff may obtain access, possession, custody, or control, regardless of where located. The terms “document” and “documents” include the original and all copies of the document or any part of the document and all drafts of the document or any part of the document.

D. “Defendant” shall mean Defendant Packers Sanitation Services (“PSSI”), including Packers’ officers, directors, employees, and agents.

E. “Person” or “persons” includes not only natural persons but also corporations, firms, associations, labor organizations, partnerships, joint ventures, proprietorships, agencies, boards, authorities, commissions, committees, or other entities. The reference to any person, firm or organization shall include any director, officer, employee, agent, or representative of the person, firm or organization.

F. “Regarding,” “evidencing,” or “relating to,” in addition to its usual and customary meaning, shall mean supporting, contradicting, comprising, referring to, responding to, concerning, connected with, commenting on, regarding, discussing, showing, describing, evidencing, reflecting, analyzing, constituting, forming a basis for, or being in any way logically or factually connected, directly or indirectly, with the matter discussed.

G. “You,” “your,” or “Plaintiff” shall mean the Secretary of Labor or anyone acting on behalf of the Secretary of Labor.

H. The plural of any word encompasses and also refers to the singular.

I. The use of the term “or” is not a limitation; for example, if “x or y” are requested, the response must encompass x, y and both of them. The term “and” is not a limitation; for example, if “x and y” are requested, the response must encompass x, y, and both of them.

J. If any document responsive to a request is withheld under a claim of privilege, furnish a list specifying each such document and setting forth the following information: (a) the date of the document; (b) a description of the subject matter of the document; (c) the name, address and identification by employment and title of each person who prepared, received, viewed and has or has had possession, custody or control of the document; (d) a statement of the basis upon which the privilege is claimed; and (e) the paragraph or paragraphs of the Request to which the document relates.

K. These requests are intended to cover all documents in your possession, custody or control or the possession, custody or control of any of your employees, consultants, accountants, attorneys or any other agents or representatives.

L. If you are unable to produce in full any document requested, produce any such document to the fullest extent possible and specify the reasons for your inability to produce the remainder.

M. If you are unable to produce any document requested that was at any time within your possession, custody or control, or to which you at any time had access, please state as to each document: (a) the date of the document; (b) the type of document; (c) a description of the subject matter of the document; (d) the date on which you lost, relinquished or otherwise ceased to have access to the document; (e) the circumstances under which you lost, relinquished or otherwise ceased to have access to the document; and (f) the identity of all persons having knowledge of its

contents and/or the circumstances under which you lost, relinquished or otherwise ceased to have access to the document.

N. If any document requested was at one time in existence, but is no longer in existence, please state as to each such document: (a) the date of the document; (b) the type of document; (c) a description of the subject matter of the document; (d) the date on which the document ceased to exist; (e) the circumstances under which it ceased to exist; and (f) the identity of all persons having knowledge of its contents and/or the circumstances under which it ceased to exist.

O. These requests are deemed to be continuing in nature, and at any time prior to or during trial, Plaintiff is requested to supplement or amend his responses to these requests.

REQUESTS

REQUEST NO. 1: All documents or other evidence that DOL intends to present or to rely upon at the hearing, including but not limited to any and all witness statements that DOL plans to present.

RESPONSE:

REQUEST NO. 2: All documents relating to assertions by DOL of an employee or employees with birthdates supposedly in the 1800s, which DOL has referred to on a number of occasions.

RESPONSE:

REQUEST NO. 3: Any evidence that supervisors, managers, or other management officials at PSSI had knowledge of any child labor violations.

RESPONSE:

REQUEST NO. 4: Any exculpatory evidence that DOL possesses relating to the claims against PSSI (e.g., interview statements in which employees or others say that they know of no child labor violations).

RESPONSE:

REQUEST NO. 5: Any documents or other information establishing, reflecting, or proving that individuals referred to in your TRO and Preliminary Injunction Pleadings (by letter designations) are not the ages that appear in their I-9s or other employment documentation.

RESPONSE:

REQUEST NO. 6: All documents or other evidence regarding any individual employed by PSSI (presently or in the past, other than those covered by Request No. 5) as to whom DOL intends to present evidence at the preliminary injunction hearing indicating that the individual was a minor.

RESPONSE:

Respectfully submitted,

/s/ J. Randall Coffey

J. Randall Coffey

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ATTORNEYS FOR DEFENDANT
PACKERS SANITATION SERVICES,
INC.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of November, 2022, the foregoing was served via electronic mail to:

Ambriel Renn-Scanlan
Traci Martin
Laura O'Reilly
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Counsel for Plaintiff

/s/ J. Randall Coffey
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARTIN J. WALSH,)	
SECRETARY OF LABOR)	
U.S. DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. 4:22-CV-03246
v.)	
PACKERS SANITATION SERVICES,)	
INC., LTD.,)	
)	
Defendant.)	

**DEFENDANT’S FIRST SET OF INTERROGATORIES TO THE
U.S. DEPARTMENT OF LABOR**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Courts for the District of Nebraska, Defendant Packers Sanitation Services, Inc., LTD. (“PSSI” or “Defendant”) submits the following interrogatories to the Secretary of Labor (“Plaintiff”) to be answered separately, completely and under oath within thirty (30) days after service hereof.

DEFINITIONS AND INSTRUCTIONS

The following interrogatories are to be read, interpreted, and answered with reference to the following definitions and instructions:

A. “Act,” “occurrence,” and/or “omission” mean any fact, incident, event, action, communication, or statement.

B. “Communication(s)” refers to any manner or means of a disclosure, transfer or exchange of information, whether by recorded means, document, electronic mail, telephone, facsimile, voicemail, text messaging, instant messaging, regular mail, personal delivery or otherwise.

C. “Document” or “documents” include, without limitation, any kind of documents or electronically stored information such as writings, drawings, graphs, charts, photographs, sound recordings, images, e-mails and other data or data compilations stored in any medium from which information can be obtained which is or are in the possession, custody, or control of Plaintiff or any agent or representative of Plaintiff to which Plaintiff may obtain access, possession, custody, or control, regardless of where located. The terms “document” and “documents” include the original and all copies of the document or any part of the document and all drafts of the document or any part of the document.

D. “Defendant” shall mean Defendant Packers Sanitation Services (“PSSI”), including Packers’ officers, directors, employees, and agents.

E. “Identify” or “identity” with respect to a person requires you to state that person's full name, last known home and business address, and telephone number.

F. “Identify” or “identity” with respect to a document requires you to state the name or title, date, number of pages, and subject of the document, the type of document (*e.g.*, letter, memorandum, tape recording, note, chart), the identity of the author and all recipients of the document, and the identity of the custodian or custodians of the document. You may produce the document in lieu of listing this information.

G. “Identify” or “describe” with regard to an event, communication or omission requires you to state the date, the location, the identity of all witnesses, the identity of all related documents, and the full description of the event, communication or omission.

H. “Person” or “persons” includes not only natural persons but also corporations, firms, associations, labor organizations, partnerships, joint ventures, proprietorships, agencies, boards, authorities, commissions, committees, or other entities. The reference to any person, firm

or organization shall include any director, officer, employee, agent, or representative of the person, firm or organization.

I. “Regarding,” “evidencing,” or “relating to,” in addition to its usual and customary meaning, shall mean supporting, contradicting, comprising, referring to, responding to, concerning, connected with, commenting on, regarding, discussing, showing, describing, evidencing, reflecting, analyzing, constituting, forming a basis for, or being in any way logically or factually connected, directly or indirectly, with the matter discussed.

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K. The plural of any word encompasses and also refers to the singular.

L. The use of the term “or” is not a limitation; for example, if “x or y” are requested, the response must encompass x, y and both of them. The term “and” is not a limitation; for example, if “x and y” are requested, the response must encompass x, y, and both of them.

M. If any document responsive to a request is withheld under a claim of privilege, furnish a list specifying each such document and setting forth the following information: (a) the date of the document; (b) a description of the subject matter of the document; (c) the name, address and identification by employment and title of each person who prepared, received, viewed and has or has had possession, custody or control of the document; (d) a statement of the basis upon which the privilege is claimed; and (e) the paragraph or paragraphs of the Request to which the document relates.

N. These requests are intended to cover all documents in your possession, custody or control or the possession, custody or control of any of your employees, consultants, accountants, attorneys or any other agents or representatives.

O. If you are unable to produce in full any document requested, produce any such document to the fullest extent possible and specify the reasons for your inability to produce the remainder.

P. If you are unable to produce any document requested that was at any time within your possession, custody or control, or to which you at any time had access, please state as to each document: (a) the date of the document; (b) the type of document; (c) a description of the subject matter of the document; (d) the date on which you lost, relinquished or otherwise ceased to have access to the document; (e) the circumstances under which you lost, relinquished or otherwise ceased to have access to the document; and (f) the identity of all persons having knowledge of its contents and/or the circumstances under which you lost, relinquished or otherwise ceased to have access to the document.

Q. If any document requested was at one time in existence, but is no longer in existence, please state as to each such document: (a) the date of the document; (b) the type of document; (c) a description of the subject matter of the document; (d) the date on which the document ceased to exist; (e) the circumstances under which it ceased to exist; and (f) the identity of all persons having knowledge of its contents and/or the circumstances under which it ceased to exist.

R. These requests are deemed to be continuing in nature, and at any time prior to or during trial, Plaintiff is requested to supplement or amend his responses to these requests.

REQUESTS

INTERROGATORY NO. 1: Please provide the identity of the remaining 19 (or 21) individuals referred to in your TRO and Preliminary Injunction pleadings who the DOL contends

were employed in violation of the FLSA for whom DOL has not already furnished this information to Defendant.

ANSWER:

INTERROGATORY NO. 2: Please provide the identity of any employees referenced in your TRO and Preliminary Injunction pleadings (other than those identified in response to Interrogatory No. 1), or about whom DOL intends to offer evidence of at the preliminary injunction hearing, who DOL contends were employed in violation of the child labor provisions of the FLSA.

RESPONSE:

INTERROGATORY NO. 3: Please identify all individuals DOL contends were employed in violation of the FLSA's child labor provisions, including the letter designation by which the individual is referred to for those who appear in the in the DOL's TRO and Preliminary Injunction pleadings if applicable, and any of them who appear in any of the photographs in DOL's filings (identifying the specific photograph).

RESPONSE:

INTERROGATORY NO. 4: Please identify all individuals you will or may call to testify at the preliminary injunction hearing on behalf of DOL, indicating whether you will or may call each such person.

RESPONSE:

Respectfully submitted,

/s/ J. Randall Coffey

J. Randall Coffey

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ATTORNEYS FOR DEFENDANT
PACKERS SANITATION SERVICES,
INC.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of November, 2022, the foregoing was served via electronic mail to:

Ambriel Renn-Scanlan
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Laura O'Reilly
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Counsel for Plaintiff

/s/ J. Randall Coffey
Attorney for Defendant